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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/651,041	08/29/2003	Harry R. Stoller	3655-0178P	8523

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EXAMINER

TRAN, HANH VAN

ART UNIT	PAPER NUMBER
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3637

DATE MAILED: 02/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/651,041	Applicant(s) STOLLER ET AL	
	Examiner Hanh V. Tran	Art Unit 3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12, 14-25, 33 and 34 is/are pending in the application.
- 4a) Of the above claim(s) 19-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12, 14-18, 33 and 34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 October 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/30/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is the First Office Action on the Merits from the examiner in charge of this application.

Election/Restrictions

2. Claims 19-25 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 10/31/2005.

3. Applicant's election without traverse of Species I in the reply filed on 10/31/2005 is acknowledged.

Drawings

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the limitation in claim 3 of the storage unit is a rack having sides substantially open must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for

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consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

5. The drawings were received on 10/31/05. These drawings are figures 1-2.

6. Figures 1-2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

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only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claim 33 is rejected under 35 U.S.C. 102(e) as being anticipated by USP 6,563,048 to Holt et al.

Holt discloses a storage unit comprising all the elements recited in the above listed claim including a compartment with sides, such as shown in Figs 7-8, an opening in at least one of the sides, a plurality of rollers 691 arranged on a lower portion of the storage unit, a tray 540.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

11. Claims 1-12, 14-18, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holt et al in view of USP 2,610,035 to Wennlund.

Holt discloses a storage unit comprising all the elements recited in the above listed claim including a compartment with sides, such as shown in Figs 7-8, an opening

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in at least one of the sides, a plurality of rollers 691 arranged on a lower portion of the storage unit, a plurality of trays 540, a plurality of roller shelves 530 having hooks for attaching to the opening in the at least one of the sides of the storage compartment; wherein the roller shelf is free standing, the tray is a flat plate, telecommunications and batteries housed in the storage compartment. The differences being that Holt does not disclose the roller shelf being provided with rollers, the roller shelf serves as a door and being pivotably attached to the storage unit below the opening of the compartment, swinging upward to close the opening, the rollers being distributed substantially uniformly over the lower portion of the storage unit and the roller shelf, the roller shelf including two or more bracket assemblies with rollers, the bracket assemblies being usable independently of each other, the opening being provided on two of the sides of the compartment opposite each other, the tray being movable completely outside the storage unit onto the roller shelf. In regard to claim 17, the roller shelf "may be stored" above the batteries in the storage compartment when not supporting the tray, thus holding the batteries securely on the tray.

Wennlund teaches the idea of providing a storage unit with a roller shelf 20,21 having a plurality of rollers 38, the roller shelf serves as a door and being pivotably attached to the storage unit below the opening of the compartment, swinging upward to close the opening, the rollers being distributed substantially uniformly over the lower portion of the storage unit and the roller shelf, the roller shelf including two or more bracket assemblies 37a-d with rollers, the bracket assemblies being usable independently of each other, and the item 16 stored therein being movable completely

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outside the storage unit onto the roller shelf; wherein the structure facilitates moving the item from a stored position to an extended easy to access position. Therefore, it would have been obvious to modify the structure of Holt et al by providing the roller shelf with a plurality of rollers, the roller shelf serves as a door and being pivotably attached to the storage unit below the opening of the compartment, swinging upward to close the opening, the rollers being distributed substantially uniformly over the lower portion of the storage unit and the roller shelf, the roller shelf including two or more bracket assemblies with rollers, the bracket assemblies being usable independently of each other, and the tray being movable completely outside the storage unit onto the roller shelf in order to facilitate moving the tray from a stored position to an extended easy to access position, as taught by Wennlund, since both teach alternate conventional compartment unit having roller shelf structure, used for the same intended purpose of housing articles therein, thereby providing structure as claimed. In regard to claim 12 of the opening being provided on two of the sides of the compartment opposite each other, the examiner takes the Office notice that it is well known in the art to provide a storage compartment with openings on two opposite sides in order to allow access to the interior from two different sides.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Rowan, Sr. et al, Jessop, Thomas, Ross, and Korb all show structures similar to various elements of applicant's disclosure.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh V. Tran whose telephone number is (571) 272-6868. The examiner can normally be reached on Monday-Thursday, and alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HVT
January 19, 2006



Hanh V. Tran
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